

United States Enrichment Corporation

§ 1102.5

conducted in the most efficient and least expensive manner. Searches may be done manually or by computer using existing programming.

Working days means all days except Saturdays, Sundays, and legal public holidays.

§ 1102.3 Policy.

The Corporation will make records concerning its operations, activities, and business available to the public upon request. Records will be withheld from the public only in accordance with the FOIA and this part. Records that may be exempt from disclosure may be made available as a matter of discretion when disclosure is not prohibited by law, and it does not appear adverse to legitimate interests of the public, the Corporation, or any person. The Corporation will attempt to provide assistance to requesting parties, including information about how a request may be submitted. The Corporation will act on requests for records in a timely manner.

§ 1102.4 Public reading room.

(a) The Corporation will maintain in a public reading room at its headquarters the materials which are required by 5 U.S.C. 552(a)(2) and (5) to be made available for public inspection and copying, unless it is determined that such records should be withheld and are exempt from mandatory disclosure under the FOIA and § 1102.6 of this part.

(b) The public reading room will maintain and make available for public inspection and copying current indices of the materials which are required to be indexed by 5 U.S.C. 552(a)(2) or other applicable statutes. Because publication of such indices is unnecessary and impracticable and because current versions thereof will be available for inspection at the Corporation's public reading room, it is determined and so ordered that the Corporation will not publish the indices in the Federal Register.

(c) Certain records maintained in the public reading room or otherwise made available pursuant to this part may be "edited" by the deletion of identifying details concerning individuals, to prevent a clearly unwarranted invasion of

personal privacy. In such cases the record shall have attached to it a full explanation of the deletion.

§ 1102.5 Availability of records on request.

(a) In addition to the records made available through the public reading room, the Corporation will make records available to any person in accordance with paragraphs (b) and (c) of this section, unless it is determined that such records are exempt from mandatory disclosure under the FOIA and § 1102.6 of this part and that such records should be withheld by the Corporation.

(b) *Requests.* (1) A request will be acceptable if it identifies a record with sufficient particularity to enable officials of the Corporation to locate the record with a reasonable amount of effort. Requests seeking records within a reasonably specific category will be deemed to conform to the statutory requirement of a request which "reasonably describes" such records if professional employees of the Corporation who are familiar with the subject area of the request would be able, with a reasonable amount of effort, to determine which particular records are encompassed within the scope of the request, and to search for, locate, and collect the records without unduly burdening or materially interfering with operations because of the staff time consumed or the resulting disruption of files. If it is determined that a request does not reasonably describe the records sought as specified in this paragraph, the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of this paragraph and shall extend to the requester an opportunity to confer with Corporation personnel in order to attempt to reformulate the request in a manner that will meet the needs of the requester and the requirements of this paragraph.

(2) To facilitate the location of records by the Corporation, a requester should try to provide the following kinds of information, if known: (i) the specific event or action to which the record refers; (ii) the unit or program of the Corporation which may be responsible for or may have produced the

record; (iii) the date of the record or the date or period to which it refers or relates; (iv) the type of record such as an application, a grant, a contract, or a report; (v) personnel of the Corporation who may have prepared or have knowledge of the record; and (vi) citations to newspapers or publications which have referred to the record.

(3) The Corporation is not required to create a record or to seek to acquire a record from its contractors in order to satisfy a request.

(4) All requests for records under this section shall be made in writing, with the envelope and the letter clearly marked: "Freedom of Information Request." All such requests shall be addressed to the Freedom of Information Officer, 2 Democracy Center, 6903 Rockledge Drive, Bethesda, MD 20817. Any request not marked and addressed as specified in this paragraph will be so marked by Corporation personnel as soon as it is properly identified, and forwarded immediately to the Freedom of Information Officer. A request improperly addressed will not be deemed to have been received for purposes of the time period set forth in paragraph (c) of this section until forwarding to the appropriate office has been effected. On receipt of an improperly addressed request, the Freedom of Information Officer shall notify the requester of the date on which the time period commenced to run.

(5) A person desiring to secure copies of records by mail should write to the Freedom of Information Officer, 2 Democracy Center, 6903 Rockledge Drive, Bethesda, Maryland 20817. The request must identify the records of which copies are sought in accordance with the requirements of this section, and the number of copies desired. Fees may be required to be paid in advance in accordance with §1102.10. The requester will be advised of the estimated fee, if any, as promptly as possible. If a waiver or reduction of fees is requested, the grounds for such request should be included in the letter.

(c) The Freedom of Information Officer, upon receipt of a request for any records made in accordance with this section, shall make an initial determination of whether to comply with or deny such request and dispatch such

determination to the requester within 10 working days after receipt of such request, except for unusual circumstances in which case the time limit may be extended for not more than 10 working days by written notice to the requester setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. In determining whether to issue a notice of extension of time for a response to a request beyond the 10-day period, the Freedom of Information Officer shall consult with the Office of the General Counsel. As used herein, "unusual circumstances" are limited to the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from the Corporation's field offices;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, including consultation with another agency having a substantial interest in the determination of the request or among components of the Corporation having substantial subject matter interest therein.

(d) If no determination has been dispatched at the end of the 10-day period, or the last extension thereof, the requester may deem the request denied, and exercise a right of appeal in accordance with §1102.9. When no determination can be dispatched within the applicable time limit, the Freedom of Information Officer shall nevertheless continue to process the request. On expiration of the time limit, the Freedom of Information Officer shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of the right to treat the delay as a denial and to appeal to the Corporation's Chief Executive Officer ("CEO") in accordance with §1102.9. The Freedom of Information Officer may ask the requester to forego appeal until a determination is made.

(e) After it has been determined to comply with a request, the Corporation will act with diligence in providing a substantive response to the requester.

§ 1102.6 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements matters falling within nine categories, which are described in paragraph (b) of that section.

(b) Specifically, the exemptions of 5 U.S.C. 552(b) will be applied to matters that are:

(1)(i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive Order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute (other than 5 U.S.C. 552b), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld, including sections 148 and 1314 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168, 2297b-13), the latter of which authorizes the Corporation to "protect trade secrets and commercial or financial information to the same extent as a privately owned corporation";

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Corporation;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records could reasonably be expected to (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted

invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures or guidelines for law enforcement investigations or prosecutions if such disclosure would risk circumvention of the law, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(c) In the event that one or more of the exemptions in paragraph (b) applies, any reasonably segregable portion of a record shall be provided to the requester after deletion of the portions that are exempt. In appropriate circumstances, subject to the discretion of Corporation officials, it may be possible to provide a requester with:

(1) A summary of information in the exempt portion of a record; or

(2) An oral description of the exempt portion of a record.

(d) In determining whether any of the foregoing techniques, cited in paragraphs (c)(1) and (c)(2), should be employed or whether an exemption should be waived in accordance with paragraph (e) of this section, Corporation officials shall consult with the Office of General Counsel. No requester shall have a right to insist that any or all of the foregoing techniques should be employed in order to satisfy a request.

(e) Records that may be exempted from disclosure pursuant to paragraph (b) of this section may be made available as a matter of discretion when disclosure is not prohibited by law, if it does not appear adverse to legitimate interests of the Corporation, the public, or any person.